

## **Limited English Proficiency (LEP) Plan**

BCT has developed this Limited English Proficiency (LEP) plan to help identify reasonable steps to provide language assistance for LEP persons seeking access to public transportation services as required by Executive Order 13166. An LEP person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan will identify procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, notification to LEP persons that assistance is available, and information for future plan updates.

In developing its plan, BCT used the requisite “four-factor” analysis to determine the extent of its obligation to provide LEP services. The LEP four-factor analysis considers the following:

1. The number or proportion of LEP persons eligible in the public transportation system’s service area who may be served or are likely to encounter a public transportation program, activity, or service;
2. The frequency with which LEP persons come in contact with BCT’s services;
3. The nature and importance of the program, activity, or service provided by BCT to the community; and
4. The resources available to BCT and overall cost to provide LEP assistance.

A brief description of these considerations is provided in the following section.

## **Four-Factor Analysis**

- 1. The number or proportion of LEP persons eligible in the public transportation system’s service area who may be served or likely to encounter a public transportation program, activity, or service.**

BCT staff examined 2010 Census data and determined that approximately 4,496 people within the Battle Creek urbanized area spoke a language other than English. Of the 4,496 people reporting that they spoke languages other than English, 1,970, indicated that they spoke English “not well” or “not at all”. These 1,970 persons, however, represent only 3% of the total urbanized area

population five years and older that either speak English “not well” or “not at all”.

The Spanish language comprised the largest non-English speaking language group in the Battle Creek urbanized area. There were 2,702 persons identified as speaking Spanish. Of this group, 1,223 persons indicated that they spoke English “not well” or “not at all”.

The second largest group of non-English speaking language was the combined Indo-European languages group. There were 713 persons identified in this category. Of this combined group, 161 persons indicated that they spoke English “not well” or “not at all”.

Overall census figures show that Hispanics are still the largest non-English speaking language group in the Battle Creek urbanized area. In both the urbanized area and Calhoun County, the number of Hispanics increased by 9.6% during the last decade. Hispanics accounted for 5% of the Battle Creek urbanized area population in 2010. More than half of Calhoun County’s Hispanics live in Battle Creek.

**2. The frequency with which LEP persons come in contact with BCT’s services.**

BCT has not formally assessed the frequency with which LEP persons have or could possibly come in contact with a public transportation program, activity, or service. Rider surveys have been conducted periodically in the past, but have not included questions relating to a person’s ethnicity. Transportation staff (drivers and dispatchers) have reported very little contact with LEP persons in recent years. BCT estimates that less than five (5%) of the residents in the Battle Creek urbanized area use public transportation. It is unknown at this time how many LEP persons may be regular or infrequent users of public transportation in Battle Creek.

**3. The nature and importance of the program, activity, or service provided by BCT to the community.**

The fixed route and demand-response services provided by BCT are important to persons living in the Battle Creek Urbanized Area, including the limited LEP community. BCT provides vital mobility and independence to persons who cannot drive and/or cannot afford a personal automobile.

#### **4. The resources available to BCT and the overall costs to provide LEP assistance.**

BCT utilizes its available resources that could be used in providing LEP assistance. This includes identifying bilingual City staff that could assist with translation services, identifying which documents would be the most valuable to be translated when warranted by the need, inventorying organizations that BCT could partner with for outreach and translation services, and providing the appropriate level of staff training.

#### **Department of Transportation (DOT) Guidelines**

The four-factor analysis helps to determine the “mix” of LEP services required. There are two main ways to provide language services:

- (a) **Oral** (Interpretation) either in person or via telephone interpretation services; and
- (b) **Written** (Translation), ranging from translation of an entire document to translation of a short description of the document

Some language services should be made available on an expedited basis, while in others the LEP person may be referred to another office for language assistance. Regardless of the methods(s) chosen, quality and accuracy of any language service is critical.

**Oral (Interpretation)** is the act of listening to something in one language and orally translating it into another language. Interpreters should demonstrate proficiency in and the ability to communicate information accurately in both English and in the other language; have knowledge in both languages and of any specialized terms or concepts peculiar to the public transportation program.

**Written (Translation)** is the replacement of a written text from one language into an equivalent written text in another language. The extent of a recipient’s obligation to provide written translations of documents is determined on a case-by-case basis, looking at the totality of the circumstance in light of the four-factor analysis.

*Safe Harbor: To help ensure with greater certainty that recipients comply with their obligations to provide written translations in languages other than English, Paragraphs (a) and (b) below outline the circumstances that can provide a “safe*

*harbor” for recipients. That means, when a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with written-translation obligations under Title VI.*

*The following will be considered strong evidence of compliance with the recipient’s written-translation obligations:*

- (a) The DOT recipient provides written translation of vital documents for each LEP language group that constitutes 5% or 1,000, whichever is less of the population of persons eligible to be served or likely to be effected or encountered. Translation of other documents, if needed, can be provided orally.*
- (b) If there are fewer than 50 persons in a language group that reaches the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.*

The Safe Harbor provisions apply to the translation of written documents. Besides accounting for LEP population figures, a decision to provide written translation of materials must also be based on a cost/benefit analysis, taking into account the level of contact that a transit system has with LEP persons, as well as the potential costs associated with providing translated materials.

## **BCT LEP PLAN**

Based upon the four-factor analysis above, and in consideration of the Department of Justice (DOJ) guidance, BCT has developed the following plan to improve the accessibility of public transportation services in the Battle Creek Urbanized Area to the Spanish-speaking community. BCT’s very limited contact with LEP persons over the years indicates that written translation of materials would not be required. However, BCT recognizes the significant growth of the Hispanic population that has taken place in the Battle Creek community in the past 10 years. As such, BCT believes that it is important to provide written transit service information to those LEP persons in the Hispanic community to better enable them to utilize public transportation services.

## **Identification of LEP Persons Needing Assistance**

BCT staff recognizes that the most likely LEP group to be encountered in the Battle Creek urbanized area is the Spanish-speaking population. As such, BCT

will undertake the following activities to help identify LEP persons needing language assistance:

- Work with community organizations that interact with Spanish-speaking LEP persons.
- Keep records of interactions with members of the public at Transit meetings. The language of any LEP person in attendance can be included as part of the record, helping to determine future LEP improvements.
- Have the Census Bureau's "I Speak Cards" at Transit public meetings and BCT's offices. While BCT staff may not be able to provide translation assistance, the cards are a tool to identify language needs at future meetings and staff interaction with customers.
- Periodically survey drivers, dispatchers, and other front line employees on an annual basis regarding their interaction with LEP persons.

### **Language Assistance Measures**

BCT will assess available resources that could be used for providing LEP assistance. This may include:

- Printing service and schedule information, i.e. bus schedules, rider's guide, in Spanish
- Identify community organizations that could partner with BCT for outreach and translation efforts
- Using "I Speak" cards at Transit public meetings and at BCT offices
- Utilizing bilingual staff when appropriate and available to assist with translation needs
- Providing service information in languages other than English on BCT's website

### **Staff Training**

BCT staff will be provided with the LEP Plan and educated on procedures to follow. This information will also be part of BCT's staff orientation process for new employees. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities
- Language assistance services offered by BCT
- Documentation of language assistance requests
- Procedures for handling Title VI and/or LEP complaints

### **Providing Notice to LEP Persons**

At this time, BCT does not have formal outreach strategies to inform LEP persons of available language assistance services. Census data indicates the primary LEP population to be Hispanic in the Battle Creek urbanized area. BCT may utilize the following for notifying Hispanic LEP persons:

- Signs will be posted in customer service areas and on buses
- Staff will contact community organizations that work with Spanish-speaking LEP persons to inform them of public transportation services
- Key printed materials, including bus schedules and maps, will be translated into Spanish and made available at the City's Transportation Center, BCT's offices, and on board buses
- Post a notice of language assistance services on BCT's website
- Language assistance may be provided in other languages if warranted by the LEP population in the area and the costs of providing language assistance

### **Monitoring & Updating LEP Plan**

This plan is designed to be flexible and one that can be easily updated as circumstances and the need by LEP persons for language assistance changes. Periodic monitoring of language assistance measures that could be implemented will help BCT to determine if assistance is being provided in the best manner. At a minimum, each LEP Plan update should examine components such as:

- How many LEP persons utilize public transit services?
- Were their transportation needs met?
- What is the LEP population in BCT's service area?
- Has there been a change in the types of languages where translation services are needed?
- Have BCT's available resources, such as technology, staff, and financial costs changed?

BCT will update the LEP Plan every three years as part of its overall Title VI Plan update requirements. An integral component of updating the LEP Plan will be consulting with community organizations representing Hispanic LEP persons. BCT will also obtain feedback from staff to assess their interactions with LEP persons and determine whether changes to the LEP Plan are warranted. The next update to this program is anticipated in the second quarter (April – June) of calendar year 2016. BCT will reassess whether new documents, programs, services, or activities need to be made accessible for LEP persons, and provide notice of any changes.

**Dissemination of BCT's LEP Plan**

BCT's LEP Plan will be made available to the public in a number of ways.

- Posted on BCT's website
- On file at BCT's administrative offices
- Provided to community organizations that work with the Spanish-speaking community
- Provided to individuals upon request, including a Spanish version if needed

Any questions or comments regarding this plan should be directed to BCT's Title VI Coordinator:

Transit Manager  
Battle Creek Transit  
339 West Michigan Avenue  
Battle Creek, MI 49037

Our LEP and Title VI policy are also available on our website at  
[www.battlecreekmi.gov/living](http://www.battlecreekmi.gov/living)